



# Commonwealth of Massachusetts

## Executive Office of Labor and Workforce Development

### Department of Labor Standards

Executive Order #511

#### **Driving Safety**

#### Summary of Standards and Recommendations

*This summary of standards was prepared by the Massachusetts Department of Labor Standards ("DLS") for informational purposes and does not constitute an official interpretation by OSHA or any other agencies/entities listed as a source of standards or guidance in this document, nor an exhaustive recitation of the requirements therein. Rather, the summary is provided for the health and safety committees to assess current health and safety management of this hazard against the nationally-recognized standard. As the information provided in this document is only a summary, please consult the full standard(s) as well as any other needed sources of technical assistance for developing or improving your driving safety program.*

*It is important to note that state workers are not covered by OSHA standards; the information generated by the health and safety committees will serve to guide the Massachusetts Employee Safety and Health Advisory Committee in identifying effective and practical strategies and policies for improving the health and safety of state workers.*

#### Technical Standard or Guideline:

There are no specific OSHA or other worker protection standards relative to driving.

Outside of formal worker protection standards, there are many laws and regulations covering driving and vehicles, including Massachusetts traffic laws and Department of Transportation (DOT) requirements, and many of these will affect worker safety while driving. A few key requirements include:

Use of a seatbelt in motor vehicles is required through Massachusetts General Law (MGL) Chapter 90, Section 13A, stating:

"No person shall operate a private passenger motor vehicle or ride in a private passenger motor vehicle, a vanpool vehicle or truck under eighteen thousand pounds on any way unless such person is wearing a safety belt which is properly adjusted and fastened;"

Texting while driving is prohibited, and cell phone use must not interfere with safe operation of the vehicle, MGL Chapter 155, Massachusetts Safe Driving Law. DOT summary states:

Sending/Reading Text Messages: "Operators cannot use any mobile telephone or handheld device capable of accessing the Internet to write, send, or read an electronic

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message including text messages, emails, and instant messages or to access the Internet while operating a vehicle. Law applies even if the vehicle is stopped in traffic.”

Improper Use of a Mobile Phone by Operators 18 and Over: “One hand must be on the steering wheel at all times and no use of device can interfere with driving.”

Policy:

DOS recommends that a safe driving policy include the following elements:

- Requires employees to follow all existing motor vehicle safety laws, including the requirement for seat belt use, the prohibition against texting while driving, limitations on cell phone use while driving, and observation of speed limits.
- Requires employees to only ride in seats designed as seats, with seatbelts on, employees may not ride in or on any other part of the vehicle

Training and Certification/Licensing Requirements:

There is no training requirement beyond passing the written and practical test to obtain a valid driver’s license for whatever class of vehicle the employee will be operating.

Driver training is strongly recommended for employees:

- Who have more than one moving violation or accident while driving as part of job duties.
- Who operate commercial or specialty vehicles.
- With significant driving required as part of their job duties such as highway personnel and police officers.
- With higher-risk driving activities such as emergency response personnel.

While not required, safe driver training for all employees who drive as part of their job is beneficial. This may include topics such as:

- Strategies for recognizing and managing driver fatigue and in-vehicle distractions.
- Effective emergency braking, mirror adjustments, emergency lane changes, skids, driving in inclement weather, fire safety.

General tips on defensive driving are included in the Federal Motor Carrier Safety Administration “Accident Countermeasures Manual,” which may serve as a useful document to make available to employees (provided in links section at the end of this document).

### Administrative Controls:

The NIOSH document “Work-Related Roadway Crashes, Prevention Strategies for Employers” provides some good recommendations for administrative controls. These and other recommendations include:

- Enforce mandatory seat belt use.
- Do not require workers to drive irregular hours or far beyond their normal working hours.
- Do not require workers to conduct business on a cell phone while driving. Enforce the no texting and safe cell phone use law.
- Develop work schedules that allow employees to obey speed limits.
- Adopt a structured vehicle maintenance program.
- Ensure that workers who will drive on the job have a valid driver’s license.
- Check driving records of prospective employees, and perform periodic rechecks after hiring.
- Maintain complete and accurate records of employees’ driving performance. (This can help to identify drivers with high rates of accidents or moving violations who may need training or other intervention to improve their driving safety performance.)

### Equipment Controls – Requirements:

All vehicles must pass mandatory vehicle safety inspection requirements.

An interim vehicle inspection and maintenance program (between state inspections) is very strongly recommended.

### Web link to standard or guideline:

NIOSH “Work-Related Roadway Crashes, Prevention Strategies for Employers”  
<http://www.cdc.gov/niosh/docs/2004-136/>

Massachusetts Safe Driving Law, Chapter 155 (prohibits texting while driving, limits cell phone use such that one hand must be on steering wheel at all times and no use of device can interfere with driving)  
<http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter155>

DOT Summary:  
<http://www.massdot.state.ma.us/RMV/SafeDrivingLawSummary.aspx>

Massachusetts seatbelt law:

<http://www.mass.gov/legis/laws/mgl/90-13a.htm>

Massachusetts General Law Chapter 89, Law of the Road:

<http://www.mass.gov/legis/laws/mgl/89-9.htm>

Massachusetts General Law Chapter 90, Motor Vehicles and Aircraft:

<http://www.mass.gov/legis/laws/mgl/90-26.htm>

Massachusetts Registry of Motor Vehicles, Driver's Manual:

<http://www.mass.gov/rmv/dmanual/>

Massachusetts Registry of Motor Vehicles, Driver's License Information, all classes:

<http://www.mass.gov/rmv/license/index.htm>

Massachusetts Registry of Motor Vehicles, Vehicle Inspection Information

<http://www.mass.gov/rmv/faq/inspection.htm>

U.S. Department of Transportation, "Accident Countermeasures Manual," on defensive driving available at [www.fmcsa.gov](http://www.fmcsa.gov):

<http://www.fmcsa.dot.gov/facts-research/research-technology/publications/accidenthm/accidentman.htm>